

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 5:01-00029

RANDAL LEE BRYSON

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant's renewed Motion for Compassionate Release (ECF No. 108). The United States filed its Response in Opposition (ECF No. 121) and Defendant's supplemental medical records under seal. The Motion is now ripe for review. For the following reasons, the motion is **DENIED**.

Defendant asserts there has been an outbreak of COVID-19 at FCI Butner Medium II. Defendant is fearful of contracting the illness and developing severe complications because he is 66 years old and suffers from Chronic Obstructed Pulmonary Disease (COPD), obesity, type 2 diabetes, and hypertension. Defendant further represents that he filed a request for compassionate release with the Bureau of Prisons, but that his request was denied.

Although the Court recognizes that Defendant has valid health concerns, the records supplied by the Government confirm that Bryson tested positive for COVID-19 on January 15, 2021. In light of his positive test, the Court finds that Bryson has not demonstrated "extraordinary and compelling" reasons for release. Bryson cannot be released while he is recovering from COVID-19. Moreover, even after he has recovered, his prior infection makes it unlikely he will be infected again. Reinfection, CDC ("Cases of reinfection with COVID-19 have been reported, but remain rare.") <https://www.cdc.gov/coronavirus/2019-ncov/your-health/reinfection.html> (last visited Jan. 19, 2021). Finally, there is no indication that BOP is unable to address Defendant's

health concerns. Defendant is provided health care at FCI Butner Medium II and is also able to obtain specialized services at FMC Butner, a nearby medical facility. Therefore, the Court finds he has not sufficiently stated an “extraordinary and compelling” reason to justify release under 18 U.S.C. § 3582(c)(1)(A)(i).

For these reasons, the Court **DENIES** Defendant’s motion (ECF No. 108), and **DENIES AS MOOT** Defendant’s *pro se* “Motion to Expedite” (ECF No. 115). The Court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: January 22, 2021

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE